

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:09-CV-17-RLV-DCK**

**DOUG HERBERT RACING, INC.,
DOUGLAS M. HERBERT,
PERFORMANCE PARTS, LLC, and
DOUG HERBERT,**

Plaintiffs,

v.

**SNAP-ON LOGISTICS COMPANY and
SNAP-ON INCORPORATED,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the “Certification And Report of Initial Attorney’s Conference And Joint Request To Stay Deadlines” (Document No. 8) filed jointly by the parties on May 5, 2009. This joint filing by the parties is in part a consent motion to stay the entry of a Pretrial Order and Case Management Plan pending further settlement efforts and the determination of a possible motion to compel arbitration. For good cause shown, and in the interest of judicial economy, the Court will grant this joint request.

This matter was initially removed to this Court from the Superior Court of Lincoln County on February 20, 2009 (Document No. 1). Following one extension, the parties filed their Certification and Report of Initial Attorney’s Conference (along with the joint motion to stay) on May 5, 2009. The parties indicate that they are currently engaged in settlement negotiations, which is commendable. Further, if these negotiations fail to resolve the litigation, counsel for the Defendants have advised that they intend to file a motion to compel arbitration and stay the federal litigation. In light of these circumstances, the parties have jointly requested that the Court not

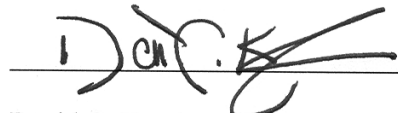
proceed at this time with the filing of a Pretrial Order and Case Management Plan. This seems sensible.

IT IS THEREFORE ORDERED that the “Joint Request To Stay Deadlines” (Document No. 8) filed by the parties is hereby **GRANTED**.

IT IS FURTHER ORDERED that on or before June 5, 2009, the parties shall communicate with the office of the undersigned that the case has been settled; or the Defendants shall file a motion to compel arbitration and stay the litigation; or the parties shall file a joint status report setting forth alternative appropriate next steps in this matter.

SO ORDERED.

Signed: May 6, 2009



David C. Keesler
United States Magistrate Judge

